

In The United States District Court  
For The Middle District of Alabama  
Northern Division

Ralph Wilson Lingo,  
Petitioner

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v.  
Willie D. Collins,  
Respondent

Civil Actions No: 1:06-CV-703-MHT A 928  
-2006-09-28

Motion for leave to Amend  
Habeas Corpus Petition

Comes now your Petitioner, Ralph Wilson Lingo, pro se, and would move the Honorable Court for leave to amend his previously filed Federal Habeas Corpus Petition pending before the Honorable District Court pursuant to Rule 15(a) of Federal Rules of Civil Procedure, and he would support his request for leave to amend with the following:

1.) Your Petitioner is illiterate and has had to depend on other inmates to prepare his litigations for him by way of his dictating to them what his complaints are in order for them to put such claims in written word, because the Federal Court has supplied Petitioner with a Habeas Corpus 28 U.S.C. § 2254 form wherein he is required to answer pertinent questions within the form, as well as to list all claims within the spaces provided for such in the habeas form, in the way of supplying pertinent informations as to the facts or actions

which is believed to be constitutional violations by the pro se litigant. Your Petitioner has to have the instructions read to him, along with each question asked on the form prior to his attempt at bringing about a claim. He then dictates to his inmate assistant his oral complaints, but due to his inability to fully articulate his meanings there is a lot lost in the translations made by the inmate assisting him due to misinterpretations of what Petitioner has attempted to convey, which can be easily recognized simply be reading the pro se filings preserved in the Court Reporters Official Transcript on Appeal SEE Exhibit A of the Appellee's Answer.

2) Your Petitioner only possesses a fifth grade education due to his having to drop out of grammar school for family reasons and due to this he is at an extreme disadvantage when trying to seek the relief of what he perceives as severe constitutional violations committed against him by law enforcement, and by the State Courts, as well as his appointed counsel.

3) Your Petitioner would contend that in his attempt to convey his request for relief to the Court, by way of assistance from other inmates, he has failed to raise many of his claims of constitutional violations due to "excusable neglect" by way of having omitted some of his claims of constitutional wrongs or errors due to misinterpretations by those who have previously assisted him in his plight for

relief, therefore he requests help from the Court.

4.) Your Petitioner has since been transferred from his place of Federal holding at the Montgomery City Jail to his present place of confinement at the Autauga Metro Jail, on August 11<sup>th</sup>, 2006, and due to such transfer he was separated from those he had depended on assisting him. He has however found other inmate assistance, who does have some knowledge of law, although far from as versed as an attorney. This inmate realizes that some of his [Petitioners] claims are in error, as well as being of no merit, whereas many of Petitioners claims of constitutional violations have not been brought to bar in the instant case due to the previous inmates assisting him unknowingly failed to recognize what the Petitioner was asking them to do.

5.) Your Petitioner would contend that it is necessary for him - with newly acquired inmate assistance - to amend his Federal Habeas Corpus Petition before the Court in order for him to have one fair shot at the habeas review that Congress intended he have by way of the "Great Writ", and that to deny him such leave would bring injury to an important interest in his liberties that the Writ of habeas corpus plays such a vital role in protecting.

Wherefore These Premises Considered, your Petitioner would pray that he be granted leave to amend his previously submitted habeas corpus pending before the Honorable Court, and that he be

given any and all other relief the Honorable Court  
deems appropriate and due him.

Respectfully Submitted,  
Ralph Wilson Lingo  
Petitioner  
136 North Court Street  
Prattville, Alabama  
36067

Certificate of Service

I Ralph Wilson Lingo do hereby certify  
that I have delivered a copy of the foregoing  
motion to the following parties by placing  
the same in the United States mail properly  
addressed with proper postage affixed  
and prepaid this the 28<sup>th</sup> day of September 2006.

1. The United States  
District ~~Court~~ Court  
Office of the Clerk  
P.O. Box 711  
Montgomery, Alabama  
36101-0711

2. Office of Attorney  
General of Alabama  
11 South Union Street  
Alabama State House  
Montgomery, Alabama  
36130-0152

Ralph Wilson Lingo  
136 North Court Street  
Prattville, Alabama  
36067